



Setti D. Warren
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

Telephone
(617)-796-1120
TDD/TTY (617)
796-1089 Fax
(617) 796-
1142 E-mail

Public Hearing Date:	November 9, 2010
Land Use Action Date:	January 11, 2011
Board of Aldermen Action Date:	February 7, 2011
90-Day Expiration Date:	February 8, 2011

DATE: October 25, 2010
TO: Board of Aldermen

FROM: Candace Havens, Interim Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning ET
Derek Valentine, Senior Planner

SUBJECT: Petition 277-10, JENNIE MARIE ONE LLC AND JENNIE MARIE TWO LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing single-family residence and construct a mixed-use development containing five two-bedroom dwelling units on top of 2,997 sq. ft. of retail space, 21-space, rear-yard parking lot (accessed by Cottage Court) at 152 ADAMS STREET, Ward 1, Nonantum, on land known as SBL 14,14,33 containing 16,160 sq. ft. of land in Districts zoned BUSINESS 2 and BUSINESS 1. Ref Sect30-24, 30-23, 30-19(d)(2), (i)(2), (j)(1), and (m), 30-15 Table 3 of the City of Newton Revised Zoning Ordinances Revised 2007.

CC: Mayor Setti D. Warren

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY:

The site currently consists of a single-family, two-story house built in 1890 on a lot consisting of 14,532 square feet on Adams Street in Nonantum. The petitioner will transfer a small strip of land from the adjacent parcel (138-142 Adams Street), which he also owns, to this parcel in order to meet side setback requirements. The new lot will be 16,160 square feet. The majority of the site is located in the Business 2 zone, with the small transferred piece of land remaining in the Business 1 zone. The petitioner would like to replace the existing dwelling with a three-story, mixed-use building consisting of 12,925 square feet of space. The basement will house mechanical systems and residential storage. The first floor will feature 2,997 square feet divided into one or two commercial spaces. The second and third floors will have five dwelling units. The petitioner is seeking relief from the Board of Aldermen for a three-story building over 24 feet, number of parking stalls required, parking lot screening, parking lot interior landscaping, and light spillage onto adjacent properties.



Mixed Use Building North of the Site



Existing Shed on Site



View East Across the Site from Adams St.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this report, the Board shall consider whether the following findings apply:

- A three-story, 34.7 foot structure is appropriate in the context of the neighborhood.
 - Literal compliance with the requirements for number of parking stalls and parking lot landscaping is impracticable due to the location, size, width, depth, and shape of the lot.
 - The project will be appropriate given the mix of commercial and residential uses currently found in neighborhood.
 - The petition is consistent with the *Newton Comprehensive Plan*; as it will increase the vitality of an existing village center while providing rental units.
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II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

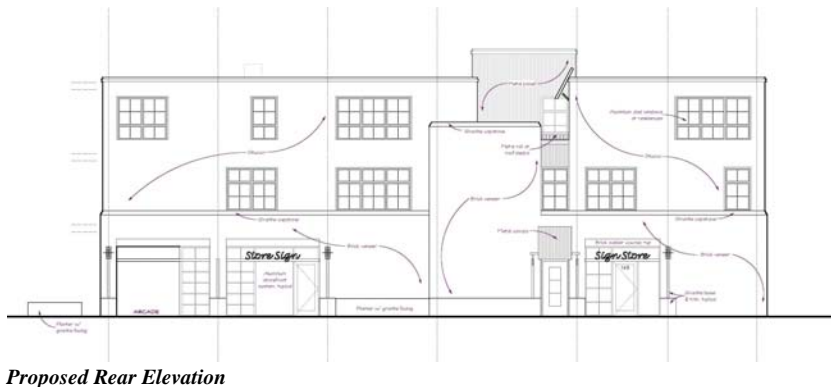
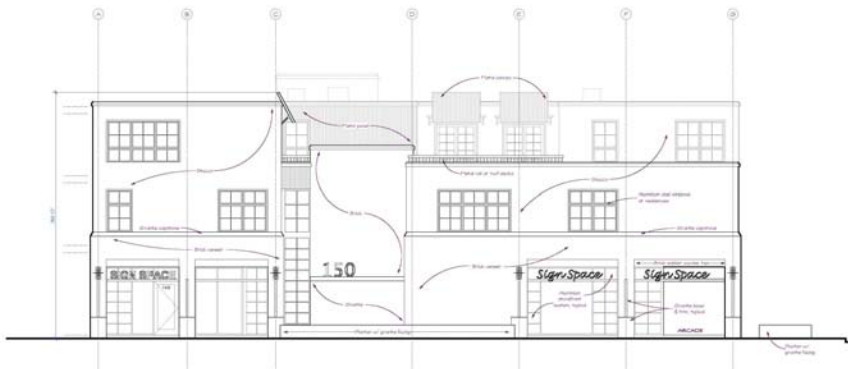
The property is located on Adams Street between Cottage Court (a private way) and Watertown Street in Nonantum. It is located in the Business 1 and 2 districts, with a vast majority of the site in the Business 2 district. The site is less than one block from Nonantum Village Center. Although the lot is currently improved with a single-family residence, the area around it is mostly multi-family residential built between 1880 and 1900. Watertown Street is lined with commercial buildings that make up the Nonantum Business District. The subject site is a transition between the village center and a predominantly residential area along Adams Street. The average lot size in the area is between 5,000 and 10,000 square feet. At 16,160 square feet, this lot is large for the neighborhood. Both sides of Adams Street are zoned Business 2, with the Business 1 zone beginning just north of this site and continuing along Watertown Street. The neighborhood is fairly dense and is within easy walking distance to many neighborhood amenities. It is also located directly on the route of an MBTA express bus into Boston. The Planning Department is very supportive of mixed-use development in close proximity to village centers.

B. Site

The site is improved with a one-family house built in 1890 and is mostly open lawn area surrounded by a chain-link fence. The house has been significantly altered over the years and is no longer “preferably preserved”, as determined by the Newton Historical Commission. There is a shed and a stockade fence on the site, both in very poor condition which will be removed as part of this petition. The lot consists of 16,160 square feet including the newly transferred strip of land. It is a conforming lot in the Business 2 zone. There is a 12.44’ right of way along the

western border of the site for access to property at 14 Cottage Court. If this petition is approved, a 5'11" strip of land will be transferred to the subject property from the lot at 138-142 Adams Street (also owned by the petitioner) through an "Approval Not Required" in order to meet side setback requirements without reducing the proposed height of the building.

III. PROJECT DESCRIPTION AND ANALYSIS



A. Land Use

The petitioner proposes to replace the existing single-family home with a new three-story, mixed-use building with one or two commercial units on the first floor and five units of residential spread between the second and third floors. The parking calculation was based on office use requiring one space for each 250 square feet of office space however, the petitioner has indicated that the commercial uses would be further limited to low-parking and traffic generators and would exclude businesses such as high-volume variety stores, food takeout and certain medical offices. ***The Planning Department recommends a condition of approval to this effect.***

B. Buildings and Site Design

A 12,925 square foot, contemporary-style building is proposed. It will be located on the front of the site, maintaining a street wall along Adams Street. This will enhance the pedestrian-oriented

feeling of the village center. Brick, stucco, granite, and corrugated metal paneling will break up the street-facing facade of the building. Given the residential component of this project, it may be more appropriate to add additional windows to the second and third floors of the proposed building. The current fenestration of the upper floors gives the property a commercial appearance. The building will be 34.7 feet tall which requires a Special Permit in the Business 2 zone. The petitioner has provided a schematic showing the proposed building in the greater context of the neighborhood. Other buildings along Adams Street are 2.5 stories, but have gable rooflines while the proposed building will have a flat roof. This makes the three-story building appear more compatible with area buildings. The building will have residential units on the second and third floors consisting of two townhouse units and three flats. They will all be rental units.

A dumpster is located on the west side of the site and is accessed via the right-of-way. A brick dumpster enclosure is proposed with a chain-link gate. The site offers no usable outdoor space with the exception of balconies. Most of the site is covered by building and an impervious parking lot. Units #3, 4, and 5 have been provided with balconies. ***The petitioner should consider adding a patio or other outdoor space for Units #1 and 2.***

C. Landscaping

There is an existing chain-link fence with filler strips located on the adjacent property to the rear of the site. Newton Zoning Ordinances require plantings or a combination of a fence and a three foot planting strip to screen parking from adjacent properties. ***The Planning Department recommends that additional plantings be added in the landscaped strip between the north side of the parking lot and the fence on the adjacent property.*** These plantings would provide the required screening in the event that the neighboring property removes the chain-link fence.

There are a number of proposed trees around the perimeter of the site, including some located along Cottage Court and Adams Street. Currently, there are three mature street trees along Adams Street, slated for removal. Street trees play a crucial role in the urban landscape. ***The Planning Department recommends that all three street trees be replaced.***



Low-growing, herbaceous plantings are proposed along the property line with 142 Adams Street. It is unclear whether the petitioner will replace the sidewalk on Adams Street. ***At the very least, the petitioner should replace sections of the sidewalk which are damaged as a result of replacing the street trees.***

A number of exterior lighting fixtures are proposed for this site. ***The petitioner should provide specifications for these light fixtures for Planning Department review.*** Also, there seems to be insufficient lighting on the eastern side of the parking lot and the sidewalk on the eastern side of

the building. The petitioner should consider adding some additional low-intensity lighting to this corner of the parking lot.

D. Parking and Circulation

The site will be accessed from Cottage Court. Twenty-one parking spaces will be provided behind the building, while 22 stalls are required. The petitioner is seeking a waiver for one stall. One of these spaces will be a handicap stall. Since the site is located in a dense, walkable village center and is located directly on an express bus route, there is an opportunity for shoppers to access the site via multiple modes of transportation, thus the Planning Department supports the waiver for one parking space. ***The Planning Department recommends the provision of signage designating the spots allocated for residential use.*** This will avoid overflow parking for the residential units onto neighboring streets. There are no plantings proposed for the interior of the parking lot, as required by Newton Zoning Ordinances for parking facilities with greater than 20 spaces. A sidewalk is proposed along Cottage Court, however Cottage Court is in overall poor condition. ***The Planning Department recommends that the petitioner resurface Cottage Court and continue the proposed sidewalk along the entire length of Cottage Court as mitigation measure for the impacts of the project.***

E. Affordable Housing

The petitioner has decided to make a payment in lieu of designating an affordable unit. The petitioner is required to comply with Newton Zoning Ordinances Section 30-24 (f). ***Since there is elevator access to the building, the petitioner could easily provide a handicap accessible, affordable unit. The Planning Department would strongly prefer this alternative.***

IV. COMPREHENSIVE PLAN

The *Comprehensive Plan* seeks to enhance the vitality of village centers by providing mixed-use environments while supplying services to nearby neighborhoods. *The Plan* also recommends increasing the number of housing units on underutilized lots around village centers. The subject site is in Nonantum village center and will likely increase the vitality of the area while providing a diversity of housing options, including rental units.

V. TECHNICAL REVIEW

A. Technical Considerations:

The petitioner is seeking a Special Permit under Section 30-24 of Newton Zoning Ordinances. Table 3 in Section 30-15 allows for a three-story building over 24' by Special Permit. The petitioner is proposing a 34.7 foot tall building and is seeking a Special Permit. The petitioner is requesting a Special Permit for a parking waiver for one required space. There are no interior landscaped islands proposed for the parking lot and no screening is being provided around the

rear of the parking lot. Both of these require relief from the zoning ordinance. There will also be light spillage from parking lot which will affect adjacent properties and streets, but this will be very minor in nature.

B. Other Reviews:

1. **Engineering Department:** The petitioner should comply with all recommendations in engineering report dated October 26, 2010.
2. **Fire Department:** The Fire Department has reviewed the plans submitted and have approved the site layout for accessibility and the availability of water.
3. **Historic Preservation:** On August 9, 2010, the Newton Historical Commission determined that the existing single-family residence is not Preferably Preserved, allowing the demolition of the structure to proceed.

VI. ZONING RELIEF SOUGHT:

Based on the completed Zoning Review Memorandum dated September 13, 2010 (*See Attachment C*), the petitioner is seeking approval through or relief from:

- 30-15, Table 3: To Allow height to exceed 24 feet and to allow greater than a two-story building
- 30-19(d)(2) and 30-19(m): To waive one required parking space
- 30-19(j)(1) and 30-19(m): To waive landscape screening requirement for a lot greater than 5 stalls
- 30-19(i)(2) and 30-19(m): To waive interior landscaping requirements for a parking lot of greater than 20 stalls
- 30-19(j)(1) and 30-19(m): Waive light spillage requirement for lighted parking lots
- 30-24(f)(1-4): To comply with the Inclusionary Housing Ordinance.

VII. SUMMARY OF THE PETITIONER'S RESPONSIBILITIES:

- The petitioner should apply to the Urban Design Commission prior to the installation of any tenant signage.
- The petitioner should provide details on the exterior lighting fixtures used.
- The petitioner should comply with the inclusionary housing provisions of Newton Zoning Ordinances Section 30-24 (f)(1-4)
- The petitioner should explore ways of adding outdoor space for Units #1 and #2
- The petitioner should provide replacement street trees for all three trees slated for removal.
- The petitioner should provide improvements to Cottage Court and should provide specifications on these improvements to the Planning and Development and

- Engineering Departments prior to their installation.
- The petitioner should submit a Construction Management Plan for review by the Planning and Development and Engineering Departments
 - The petitioner should provide signage designating spaces as “resident only”

ATTACHMENTS:

Attachment A: Zoning Map

Attachment B: Land Use Map

Attachment C: Zoning Review Memorandum, dated September 13, 2010

Attachment D: Engineering Memorandum

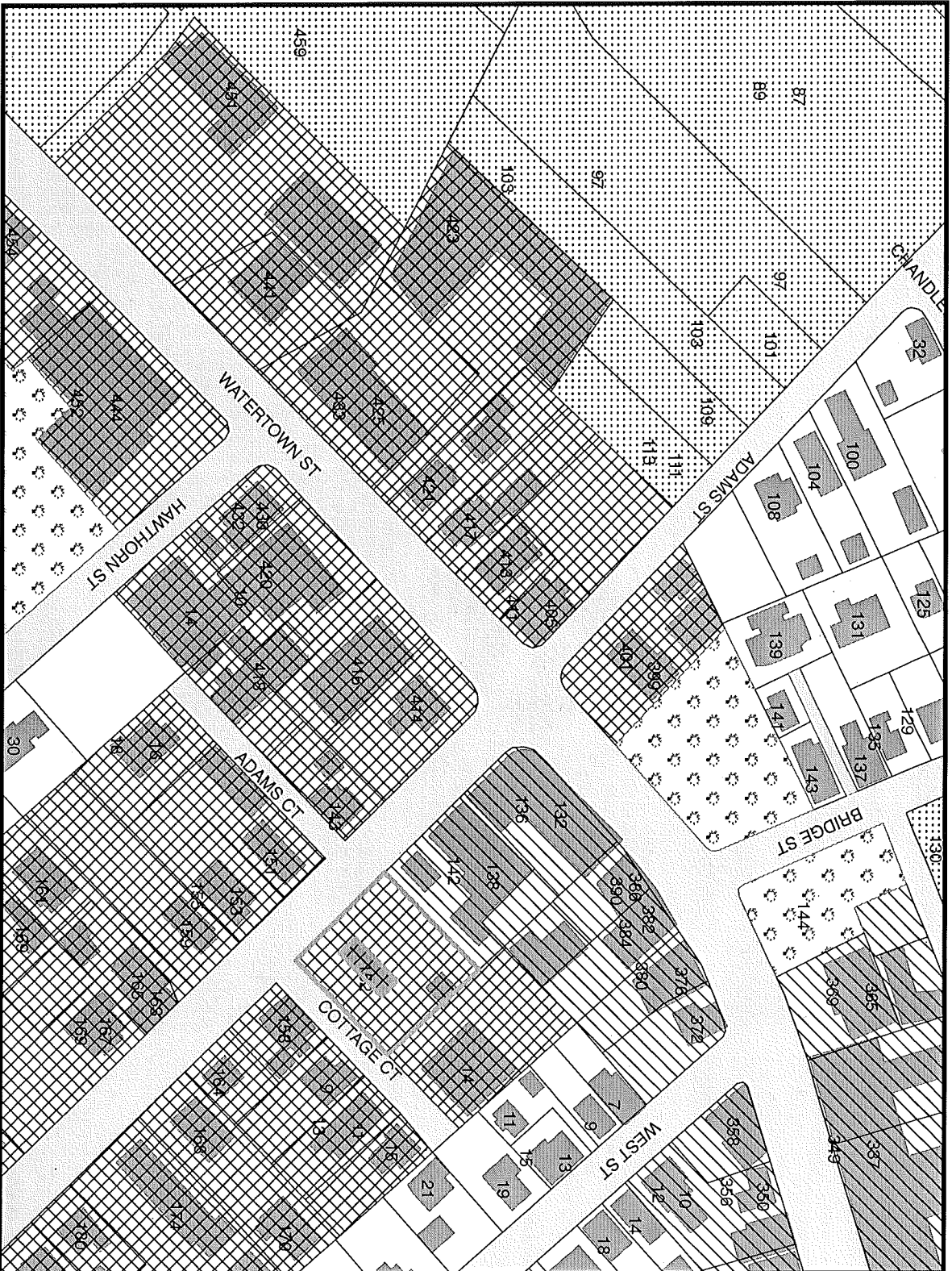
Attachment E: Proposed Floor Plans

Attachment F: Draft Board Order

ATTACHMENT A

152 Adams Street

Vicinity Zoning
City of Newton,
Massachusetts



Legend

- Multi-Residence 2
- Business 1
- Business 2
- Manufacturing
- Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Scott D. Warren
GIS Administrator - Douglas Greenfield



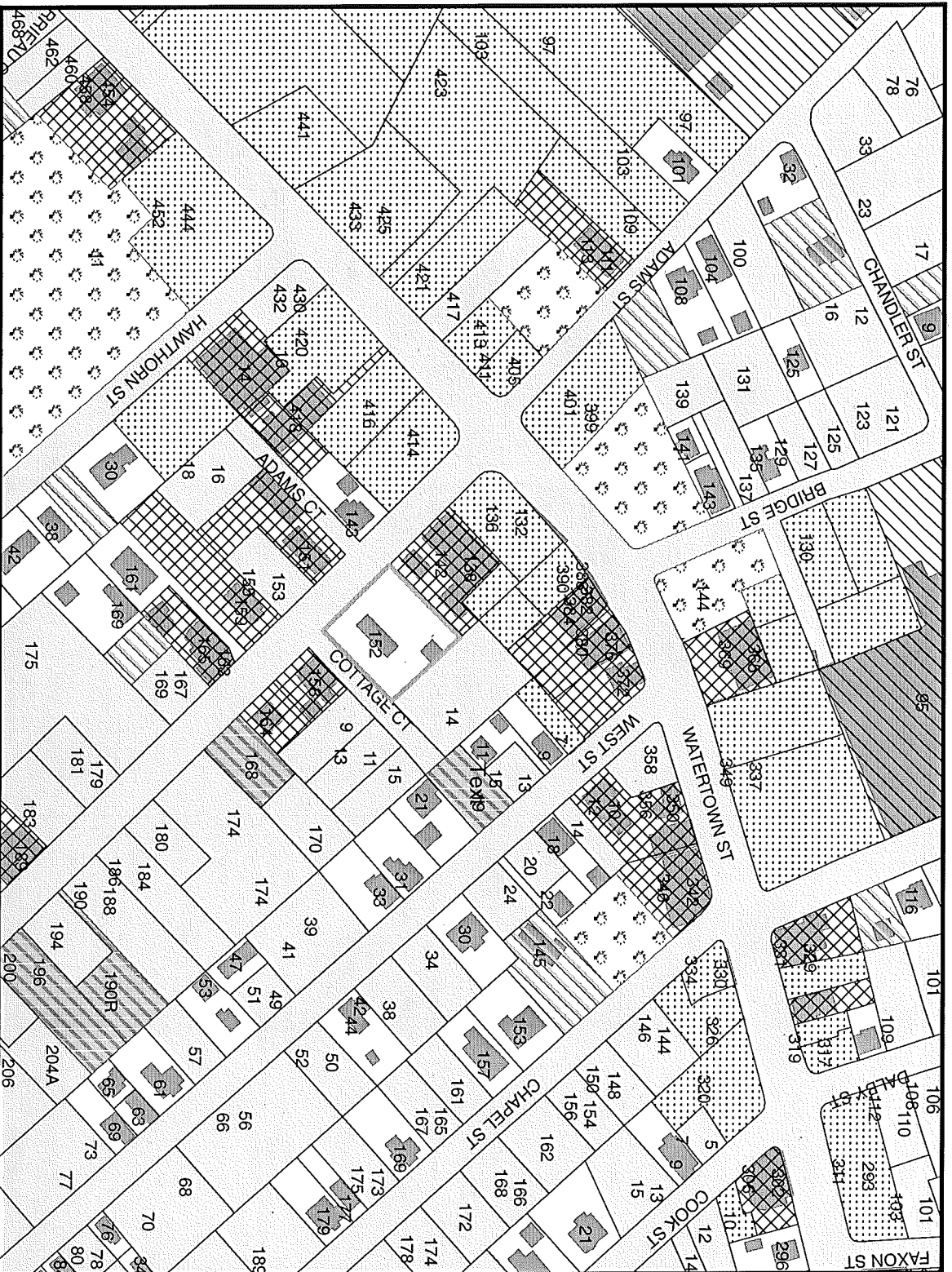
MAP DATE: November 05, 2010

ATTACHMENT B

152 Adams Street

Vicinity Land Use

City of Newton,
Massachusetts



- Legend**
- Single Family Residential
 - Multifamily Residential
 - Commercial
 - Industrial
 - Mixed Use
 - Vacant Land
 - Open Space
 - Nonprofit Organizations



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Scott D. Warren
GIS Administrator - Douglas Greenfield

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Feet

MAP DATE: November 03, 2010

Zoning Review Memorandum

Date: 9/13/10

To: John Lojek, Commissioner of Inspectional Services

Fr: Seth Zeren, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning

Cc: Laurance Lee, Attorney Representing Applicant
Candace Havens, Interim Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to demolish single family home and construct a mixed use retail/residential building

Applicant: Jennie Marie One LLC and Jennie Marie Two LLC	
Site: 152 Adams Street	SBL: 14014 0033
Zoning: BU-2 and BU-1	Lot Area: 14,532 square feet
Current use: Single family house	Proposed use: Mixed use retail/residential

Background:

The property is a 14,532 square foot lot in the BU-2 zone containing one single family house constructed in 1890. The current owner proposes to replace the house with a mixed use development containing five two bedroom dwelling units, 2,997 square feet of retail space, and a 21 space rear-yard parking lot accessed by Cottage Court. There is an existing right of way crossing the property allowing access to a rear-yard abutter. The owner of 152 Adams Street also owns 138-142 Adams Street. In order to build their proposed development, they propose to transfer a strip of property from 138-142 Adams Street to 152 Adams Street to allow their side-setbacks to be conforming. This transfer of land will be done through an Approval Not Required (ANR) subdivision plan approved by the City's Engineering Department. As a result of the proposed transfer of land between the two parcels, the property at 152 Adams Street will become a split-zoned lot (a majority of BU-2 with a sliver of BU-1 area).

The following review is based on plans and materials submitted to date as noted below.

Plans and materials reviewed:

- Revised Site Plan from VTP Associates, Joseph Porter – surveyor, dated 9/9/10
- Letter from L. Lee describing project and including summary of zoning relief believed to be required, dated 8/10/10.
- Deeds to 152 Adams Street and 138-42 Adams Street describing them as separate lots
- Historical Demolition Review Decision, dated 8/9/10
- Survey Plans from VTP Associates, Joseph Porter - surveyor, dated 1/8/10

- Area Plan
- Abutter's Plan
- Topographic Site Plan
- Plan of Land
- Detail Sheet
- Architectural drawings from Architects 2, Charles Navratil - architect, dated 4/7/10.
 - Rendering
 - Site Context
 - Site Layout
 - Front Elevation
 - Side Elevations
 - Rear Elevations
 - First Floor Plan
 - Second Floor Plan
 - Third Floor Plan
 - Basement Plan
 - Roof Plan

Administrative determinations:

1. The property is in the BU-2 zone and must comply with the dimensional standards of Section 30-15, Table 3 (see chart below).

SR-1 Zone	Required/Allowed	Existing	Proposed
Lot size	10,000 square feet	14,585 s.f.	14,883 s.f.
Frontage	80 feet	117.8 feet	122.9 feet
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	Avg. of abutters (5 feet) ½ building height (17.4 feet) 0	22 feet 32.1 feet 45.1 feet	5.5 feet 17.4 feet 71.9 feet
FAR	1.00	0.12**	0.87
Building Height	24 feet*	22.26	34.7
Maximum Stories	2*	2	3
Max. Lot Coverage	n/a	9.2%	28.6%
Min. Open Space	n/a	78.3%	30.1%

* May be increased to 36 feet and three stories by special permit.

** Measured and estimated from site plan; not provided by applicant.

2. The proposed building requires a special permit from the Board of Aldermen to allow three stories and a height of up to 36 feet (34.7 feet proposed) under §30-15 Table 3.
3. The applicant proposes to provide 21 stalls of off street parking. The parking formulas of §30-19(d) require 22 stalls of off street parking be provided (see table below). Therefore the proposed development requires a waiver from the Board of Aldermen for one parking stall under the requirement of §30-19(c)(3) to construct the parking lot as proposed.

Proposed Use	Parking Formula	Required Parking
2997 square feet office	1 stall per 250 sq. ft.	12
5 residential units	2 stalls per unit	10
Total		22

4. The proposed parking lot contains 21 stalls. Section 30-19(i)(1) requires screening for parking lots of over five spaces from abutting properties and the street. The submitted site plan does not show adequate screening. Either the applicant must provide the required screening or they must obtain a special permit waiver from the Board of Aldermen under §30-19(m) to construct the lot as proposed.
5. Section 30-19(i)(2) requires that lots exceeding 20 spaces provide interior landscaping. The submitted site plans do not show adequate interior landscaping. The applicant must obtain special permit waiver from the Board of Aldermen under §30-19(m) to construct the lot as proposed.
6. The applicant expects that they will not be able to prevent glare from required parking lot lighting onto neighboring streets and properties as required by §30-19(j)(1) and therefore requires a special permit waiver from the Board of Aldermen under §30-19(m) to construct the lot as proposed.
7. The proposed project will have five residential units, an increase of four units over the existing single family home. The project is therefore subject to the provisions of the Inclusionary Housing section of the zoning ordinance. Under §30-24(f), the applicant must either provide one inclusionary unit (15% of 4 = 0.7, rounds to 1.0) or make a cash payment in lieu of providing the unit. The applicant should consult with Housing and Community Development to discuss this process.
8. See “Zoning Relief Summary” below:

<i>Zoning Relief Summary</i>		
<i>Ordinance</i>	<i>Proposal</i>	<i>Action Required</i>
§30-15 Table 3	Build a three story building of between 24 and 36 feet in a BU2 zone.	S.P. per §30-24
§30-19(d)(2), 30-19(m)	Waive one required parking space	S.P. per §30-24
§30-19(j)(1), 30-19(m)	Waive screening landscaping requirement for a lot of greater than five stalls	S.P. per §30-24
§30-19(i)(2), 30-19(m)	Waive interior landscaping requirement for a lot of greater than 20 stalls	S.P. per §30-24
§30-19(j)(1), 30-19(m)	Waive light spillage requirement for lighted parking area	S.P. per §30-24
§30-24(f)(1-4)	Comply with Inclusionary Housing ordinance	Provide one Inclusionary Unit or pay in lieu fee

**CITY OF NEWTON
ENGINEERING DIVISION**

MEMORANDUM

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 152 Adams Street

Date: October 26, 2010

CC: Lou Taverna, PE City Engineer (via email)
Linda Finucane, Associate City Clerk (via email)
Alexandra Ananth, Planner (via email)
Derek Valentine, Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

*Topographic Site Plan
Showing Proposed Conditions at #152 Adams Avenue
Newton, MA
Prepared by: VTP Associates Inc.
Dated: September 9, 2010*

Executive Summary:

A single family dwelling is to be raised and a 3 story mixed use building is proposed to be built on a 14,883 square foot lot. Should this permit be approved the applicant should be asked to provide the four following improvements as public benefits:

1. Reset existing granite curbing as the three trees along the frontage will be removed. And reconstruct new cement sidewalks along the entire frontage. Additionally the driveway apron between this property and #412 should be reconstructed along with one additional panel that had a tree removed should be filled in with cement concrete.
2. As Architectural Access Boards Regulation require when one pedestrian curb cut (a.k.a. HP ramp) is updated it triggers the requirement for a reciprocal curb cut be also upgraded. As the property is along two streets that forms a “T” intersection a 3rd curb cut is required as there is an establish path of travel.

Directly across the street from Cottage Court is a legal handicap parking stall, this would be a possible location for the 3rd curb cut.

3. As Cottage Court will be utilized for construction access and will be further damaged from its existing state of disrepair the applicant should re pave this private way upon which they own to the centerline of the right of way.
4. As various utility trenches will be introduced in Adams Street the striped parking stalls will have to be re-painted.

Construction Management:

1. A construction management plan is needed for this project. At a minimum it must address the following: staging site for construction equipment, construction material, construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor.
2. Stabilized driveway entrances are needed during construction which will provide a tire wash and mud removal to ensure City streets are kept clean.

Drainage:

1. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6-inches over a 24-hour period. All runoff from impervious areas need to be infiltrated on site, for the respective lots. The drainage
2. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
3. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the Homeowners Association.

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.

Water:

1. Fire flow testing is required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.

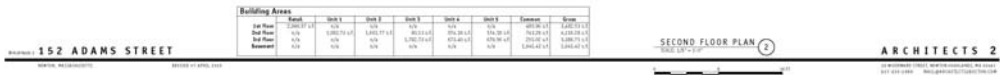
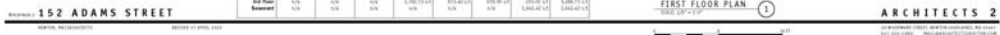
General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property.
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval.
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction.
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.

6. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading.
7. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.





Building Areas		Unit 1	Unit 2	Unit 3	Unit 4	Unit 5	Unit 6	Common	Total
Net Area	2,245.37 sq. ft.	561.34	561.34	561.34	561.34	561.34	561.34	404.51	2,245.37
Gross Area	3,125.75 sq. ft.	771.44	771.44	771.44	771.44	771.44	771.44	543.51	3,125.75
Enclosed Area	3,125.75 sq. ft.	771.44	771.44	771.44	771.44	771.44	771.44	543.51	3,125.75

152 ADAMS STREET

THIRD FLOOR PLAN 1

ARCHITECTS 2

DRAFT
#277-10

CITY OF NEWTON
IN BOARD OF ALDERMEN
November 9, 2010

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing single-family residence and construct a mixed-use development containing five two-bedroom dwelling units and 2,997 square feet of retail space with a 21-space rear-yard parking lot, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Ted Hess-Mahan:

1. A three-story, 34.7 foot structure is appropriate in the context of the neighborhood since the proposed building will have a flat roof and most buildings in the vicinity have pitched, gable roofs.
2. Literal compliance with parking lot requirements including the number of stalls, landscape screening and interior landscaping are impracticable due to the size, width, depth, and shape of the lot.
3. A mixed-use development is appropriate given the variety of commercial and residential uses in the Nonantum village center area.
4. The proposal is consistent with the *Newton Comprehensive Plan*, as it will increase the vitality of an existing village center by providing neighborhood amenities while diversifying the housing stock of the City by providing rental units.

PETITION NUMBER: #277-10

PETITIONER: Jennie Marie One LLC and Jennie Marie Two LLC, c/o
Alfonso S. DeVito, as manager

LOCATION: 152 Adams Street, Section 14, Block 14, Lot 33 containing
approximately 16,160 sq. ft. of land

OWNER: Jennie Marie One LLC and Jennie Marie Two LLC

ADDRESS OF OWNER: 26 Rustic Street, Newton, MA 02458

TO BE USED FOR:	Three-story, mixed-use building with up to two first-floor commercial units and five residential units on the second and third floors along with a 21-stall parking lot in the rear.
CONSTRUCTION:	Wood-frame building with brick, granite, stucco and metal panel façade with third-floor balconies, bituminous parking lot and paver walkways
EXPLANATORY NOTES:	Section 30-24 for issuance of a Special Permit, Section 30-15 Table 3 to allow for a 34.7' high building, Section 30-19(d)(2) and 30-19(m) to waive one of the required parking spaces, Section 30-19(j)(1) and 30-19(m) to waive screening requirements for parking lots over five stalls, Section 30-19(j)(2) and 30-19(m) to waive interior landscaping requirements for a lot greater than 20 stalls, 30-19(j)(1) and 30-19(m) to allow light spillage onto adjacent properties from parking areas, Section 30-24(f)(1-4) to comply with the inclusionary housing provision.
ZONING:	Business 1 and Business 2 Districts

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan approval shall be located and constructed consistent with:
 - “Site Plan, Newton, Massachusetts, Showing Proposed Conditions at #152 Adams Street,” dated September 9, 2010, signed and stamped by Joseph R. Porter, Professional Land Surveyor and Stephen E. Poole, Professional Engineer.
 - Architectural Drawings as follows signed and stamped by Charles M. Navratil, Registered Architect, revised 4/7/2010:
 - “Streetscape”
 - “Site Layout”
 - “Front Elevation”
 - “Side Elevations”
 - “Rear Elevation”
 - “First Floor Plan”
 - “Second Floor Plan”
 - “Third Floor Plan”
2. The petitioners shall maintain all landscaping associated with this Special Permit/Site Plan approval in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.

3. No building permit shall be issued pursuant to this Special Permit/Site Plan approval until the petitioner has:
 - a. recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. The petitioner shall design and construct improvements to Cottage Court, subject to the approval of the Departments of Planning and Development and Engineering, to mitigate the impacts of increased use of this private way as a result of this project.
5. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in digital format.
 - c. completed all landscaping in compliance with Condition #1.
 - d. Notwithstanding the provisions of Condition #3.c above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building constructed subject to this special permit prior to installation of landscaping provided the petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining site improvements to ensure their completion.